



**US Army Corps  
of Engineers**

## **PUBLIC NOTICE**

**Application No:** 200190270

**Applicant:** Chippewa Cree Tribe

**Waterway:** Box Elder Creek

**Issue Date:** April 26, 2001

**Expiration Date:** May 11, 2001

**15 DAY NOTICE**

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**Billings Regulatory Office**

**1629 Avenue D, Building A**

**Billings, Montana 59102**

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**JOINT PUBLIC NOTICE  
FOR PERMIT APPLICATION SUBMITTED TO  
U.S. ARMY CORPS OF ENGINEERS  
AND  
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Background:** On June 4, 1996, Department of the Army authorization was issued to the Chippewa Cree Tribe to enlarge Bonneau Dam on Box Elder Creek in Chouteau County, Montana. This authorization (No. 199590678) expired on June 4, 2000. On December 29, 2000, a written request was received from the Tribe to extend the permit expiration date. Since the permit has expired and no construction has yet been undertaken, the project is being re-advertised for approval. The Tribe would like to initiate construction as early as June, 2001. The design has remained unchanged from the original authorization. If approved, the permit will have an expiration date of five years from the date of issuance. All other conditions of the original permit will remain unchanged. A copy of the original permit is attached to this notice.

**Description of Proposed Project:** The proposed activity will consist of constructing an earthen dam immediately downstream of the existing dam to elevation 3216.25 msl, a height of 36 feet above the existing dam. The enlarged dam will utilize the existing dam for much of the upstream slope. The proposed construction will include a new spillway on the left abutment. The spillway will be a 300 foot wide open cut channel (at elevation 3198.0 msl) with a concrete control section near the upstream end. The enlarged dam, spillway, embankments and abutments will be armored with roller compacted concrete (RCC). The activity will also consist of grouting in the right abutment, closing or blocking the existing outlet works and tower and construction of a new outlet works (e.g. free standing tower with foot bridge, 4 foot intake gate, 3 foot gated conduit and a Bureau of Reclamation type IV energy dissipater structure at the downstream end). Upon completion of construction, the enlarged dam will be able to handle the probable maximum flood (PMF) of 96,000 cubic feet per second (cfs) by a combination of storage capacity, the left abutment spillway and overtopping of the dam crest with passage of water downstream. The dam will have a notch (3209.5 msl) to allow passage of flows over the dam during the PMF. The left abutment spillway in combination with the elevation of the notch, will allow approximately one half of the PMF flows through the notch before overtopping of the dam crest will occur. The completed project will increase the reservoir capacity from 1,000 acre-feet to 4,000 acre-feet. Water will be

available to the Tribe for present and future agricultural, recreational and fish and wildlife uses. Approximate total fill for the project will consist of 486,000 cubic yards of earth fill and 37,000 cubic yards of concrete.

A wetlands delineation conducted in August, 1995 identified approximately 21 acres of jurisdictional wetlands, of which approximately 3 acres are located downstream of the dam. As the latter wetlands are believed to have been created primarily by seepage through the existing dam, 2.74 acres could be adversely affected by completion of the project. Approximately 18 acres of wetlands around the perimeter of the existing reservoir may be adversely affected by reservoir drawdown during construction. After construction is complete, these wetland areas will be subject to inundation during all or part of the year. It is anticipated that raising the dam elevation will create approximately 31 acres of new wetlands around the perimeter of the enlarged reservoir; however, due to lake fluctuations, the resultant wetlands will be confined to narrow bands similar to what currently exists under present conditions.

Drawings showing the location and extent of the project are attached to this notice.

**Location:** The proposed activity is located on Box Elder Creek in the SW1/4 SE1/4 NW1/4 Section 1, Township 29 North, Range 14 East, Chouteau County, Montana.

**Purpose:** The purpose of the proposed project is to rehabilitate safety deficiencies of the existing structure, provide for safe passage of the probable maximum flood (PMF) and to enhance the available water supply of the Chippewa Cree Tribe.

**401 Water Quality Certification:** The U.S. Environmental Protection Agency (EPA), Region VIII, Montana Office, 301 South Park, Drawer 10096, Helena, Montana 59626-0096, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the EPA's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards.

**Cultural Resources:** The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966 as amended. We have checked the National Register of Historic Places and its current supplements. In addition to conducting a files search at the University of Montana, a cultural resources inventory of the project area was performed by a private consulting firm. The files search revealed that a historic site (24HL886), a concrete and masonry box culvert, is located outside the project area. The survey identified three prehistoric sites (24CH878, 24CH879 and 24CH880) and two historic sites (24CH877 and 24HL992) within the project area. The historic sites are the Bonneau Dam (24CH877) and the Morsette Cabin (24HL992). Both sites have been determined eligible for listing on the National Register of Historic Places. The prehistoric sites have been recorded and photographed. Subsurface testing was conducted on March 23, 1995 at site 24CH878 and at sites 24CH879 and 24CH880 on June 13, 1995 to determine their National Register significance. Based on the results of that testing, the U.S. Bureau of Indian Affairs, in consultation with the Montana State Historic Preservation Office, determined that the sites are not eligible for listing on the National Register of Historic Places. The Montana State Historic Preservation Office concurred with that determination. The Chippewa Cree Tribe also conducted a cultural resources survey and concluded that the lands to be affected by the project have no historical or cultural significance. A Memorandum of Agreement concerning measures to be taken with regard to the Bonneau Dam (24CH877) and the Morsette Cabin (24HL992) was completed and signed by the U.S. Bureau of Indian Affairs, the Montana State Historic Preservation

Office, the Chippewa Cree Tribe and the Advisory Council on Historic Preservation in August, 1995. The Corps of Engineers will evaluate any additional input by the State Historic Preservation Office and the public in response to this public notice.

**Threatened / Endangered Species:** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**Evaluation Factors:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

**Comments:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, Billings Regulatory Office, 1629 Avenue D, Building A, Billings, Montana 59102. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, county, state, federal agency, Indian Tribe or local association whose interests may be affected by this proposal) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be

accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the U.S. Army Corps of Engineers, Billings Regulatory Office, 1629 Avenue D, Building A, Billings, Montana 59102. Please reference the Application Number found on the first page of this notice in any correspondence. Larry Robson, telephone number (406) 657-5910, may be contacted for additional information. You may also fax your comments to (406) 657-5911 or e-mail them to: [Larry.G.Robson@usace.army.mil](mailto:Larry.G.Robson@usace.army.mil).

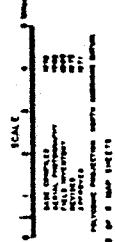
Comments postmarked after the expiration date of this public notice will not be considered.

**Statutory Authority:** A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

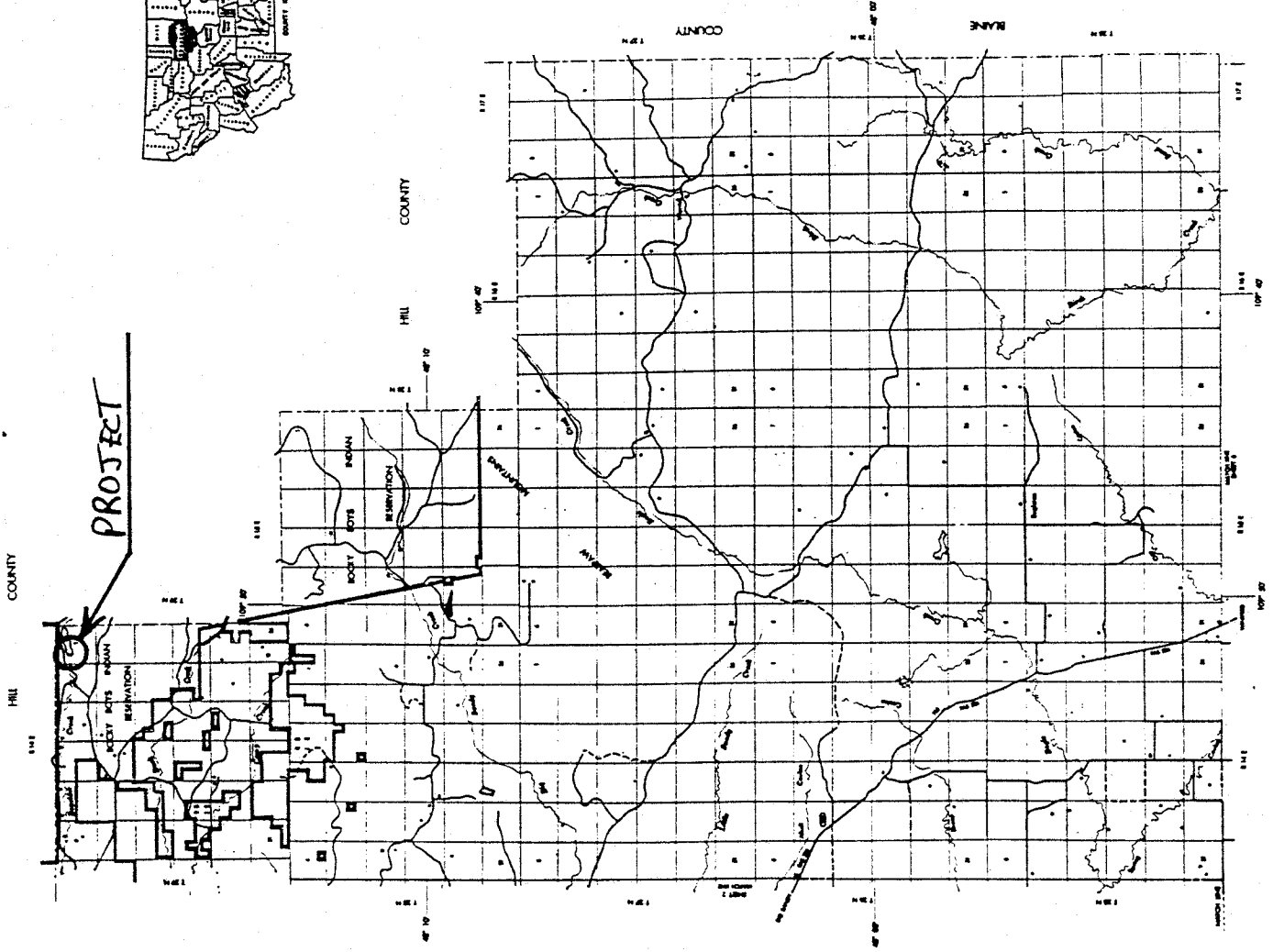
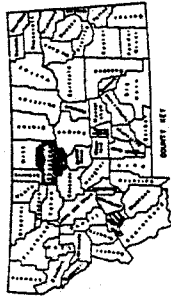
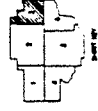
GENERAL HIGHWAY MAP  
**CHOUTEAU COUNTY**  
MONTANA

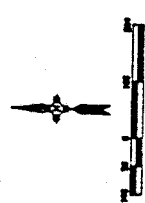
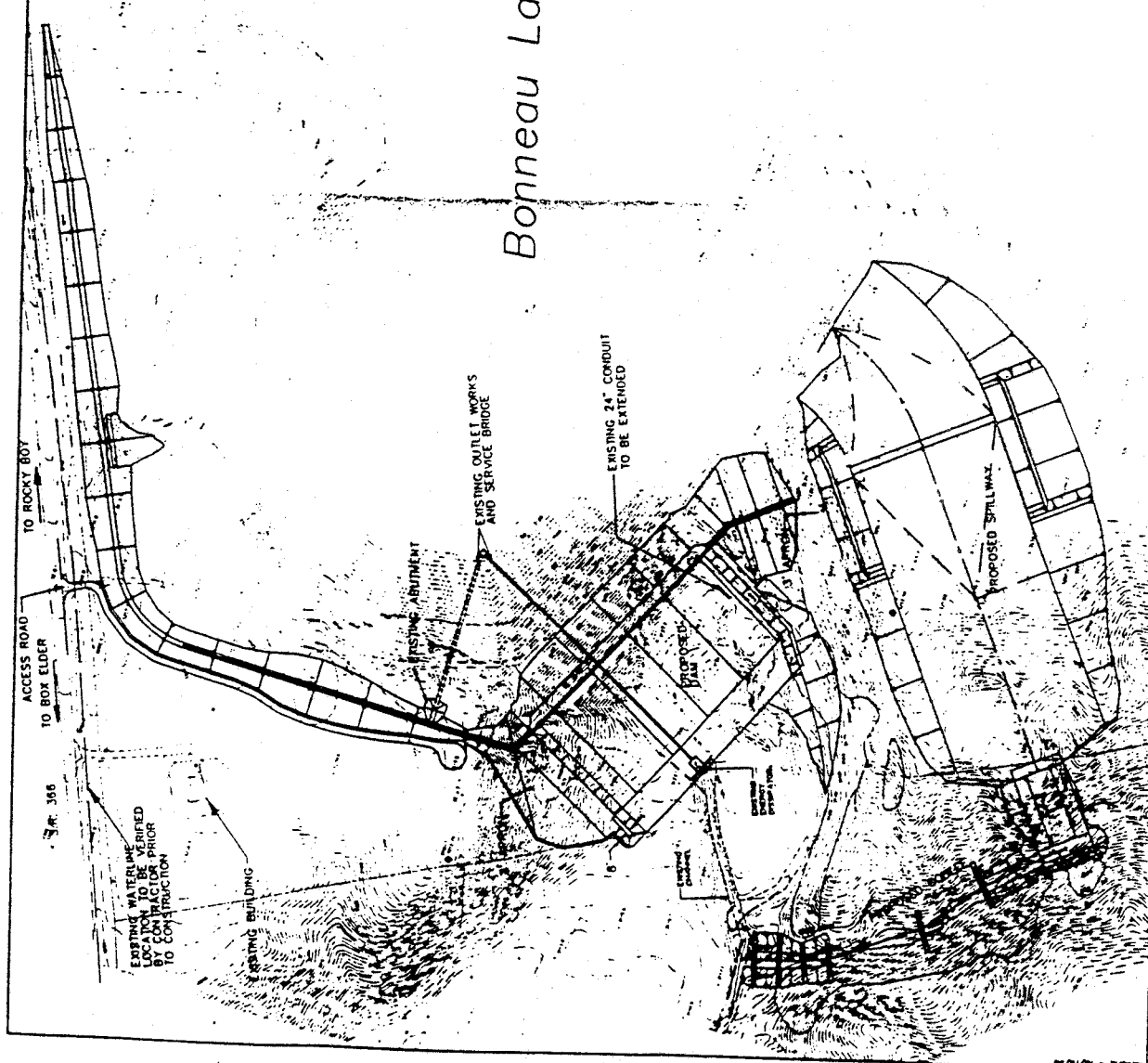
PREPARED BY THE  
MONTANA STATE HIGHWAY COMMISSION  
PLANNING SURVEY SECTION  
IN COOPERATION WITH THE  
U S DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

200190270  
Sheet 1 of 5



ALUMINO	CHOLERA	GENERAL HIGHWAY MAP
0.125	0.125	0.125





NOTE:  
 GRANULAR DRAIN MATERIAL  
 BORROW AREAS AND WASTE  
 AREAS ARE LOCATED OFFSITE  
 SEE PLATE 33 FOR LOCATION

REVISIONS	DATE	APPROVED
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**CHIPPEWA CREE TRIBE**  
 ROCKY BOY ROUTE - BOX 544  
 ROCKY BOY, WI 54927  
 PHONE (920) 395-4100  
 FAX (920) 395-4107

**BONNEAU DAM**

**SITE PLAN**

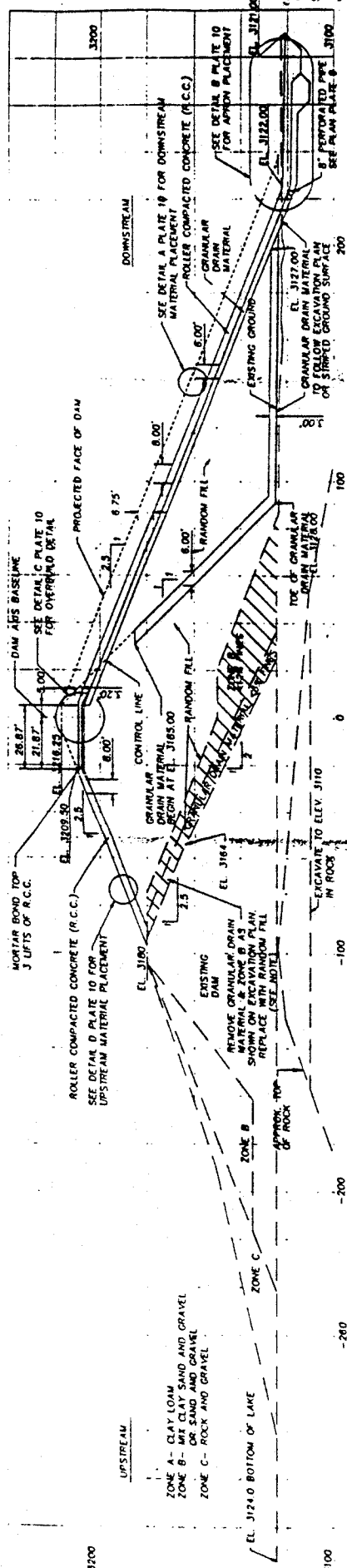
**DESIGNED BY**  
 CONSULTANTS INC.  
 101 N. 1st Street  
 Suite 100  
 Rock, WI 54984

**DATE**  
 11/11/00

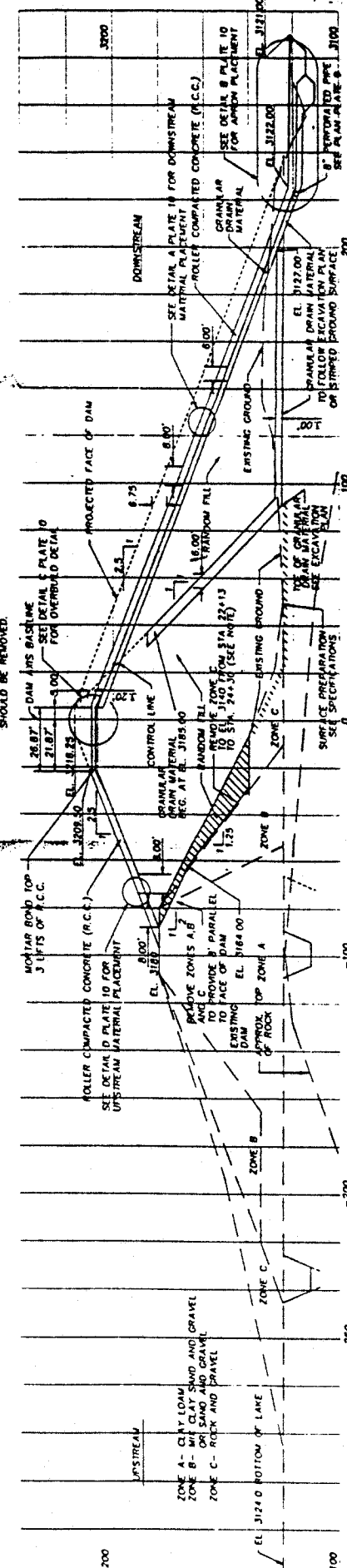
**SCALE**  
 1" = 100'

200190270  
 Sheet 2 of 5



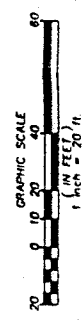


TYPICAL SECTION THROUGH DAM  
STA. 19+60.41 TO STA. 22+50  
SCALE: 1"=20'



TYPICAL SECTION THROUGH DAM  
STA. 22+50 ± TO STA. 24+10.41  
SCALE: 1"=20'

SYMBOL	REVISIONS	
	DESCRIPTION	DATE APPROVED



**CHIPPEWA CREE TRIBE**

MOODY, 8017 ROUTE 1 BOX 544  
800 (400) 395-1428  
FAX (208) 395-4487

**BONNEAU DAM**

**DAM SECTIONS**

SCALE AS NOTED

PAGE NO. 11

**TERMA ENGINEERING CONSULTANTS INC.**

No. 4 Calle Mendocino  
SUITE 200  
SAN JOSE, CA 95131  
(408) 982-2845

**PRESIDENT DATE**

200190270  
sheet 4 of 5



SCALE 1" = 50' HORIZ  
1" = 20' VERT

# Bonneau Lake

STA 3+14.58 BASELINE A =  
STA 2+68.78 DAM AXIS BASELINE

BRAD INTRATE TOWER  
SEE PLATE 4 FOR  
STRUCTURAL DETAILS  
CL STA 1+105 BASELINE A.M.  
STA 0+00 BASELINE B

POSSIBLE EMBANKMENT  
SLOPEWAY 2:1

24:1V

24:1V

24:1V

24:1V

24:1V

24:1V

24:1V

24:1V

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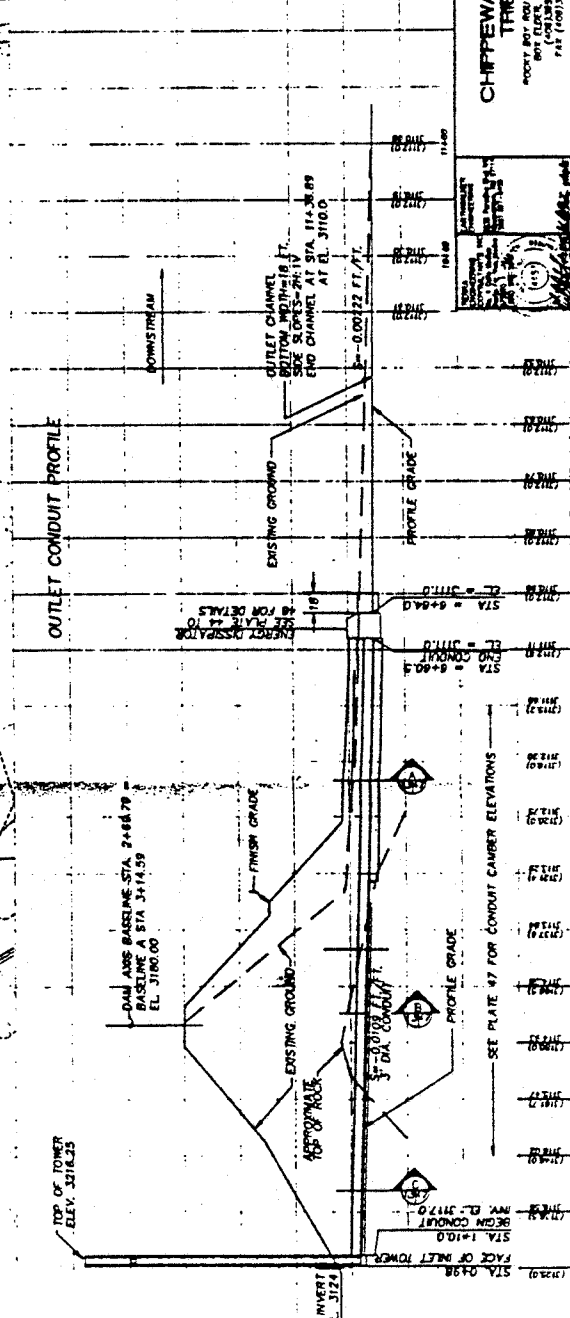
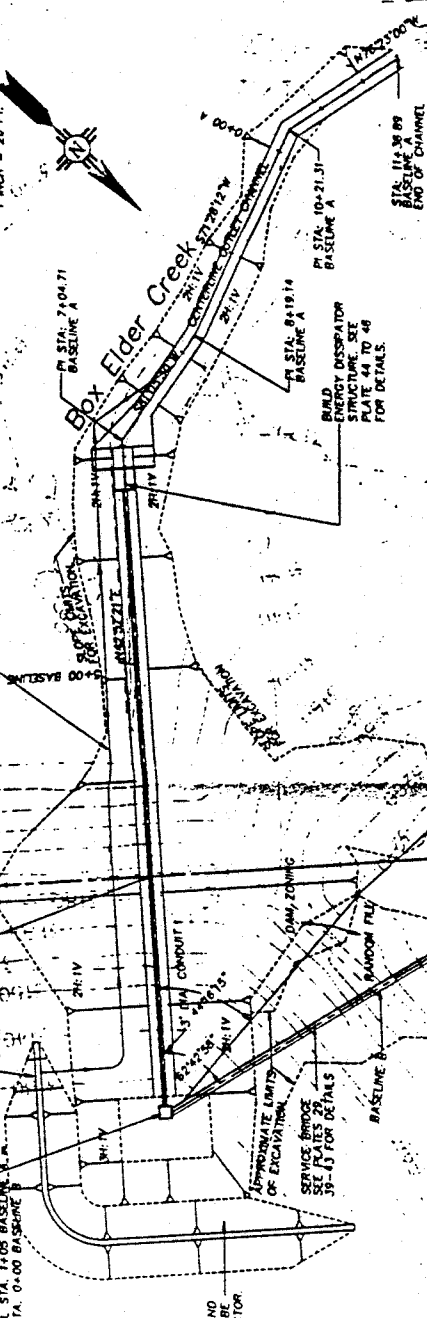
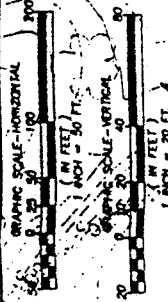
24:1V

24:1V

24:1V

CUTTER DAM DESIGN AND  
DEWATERING PLAN TO BE  
DESIGNED BY CONTRACTOR

SEE PLATE 7 FOR  
EXCAVATION PLAN  
SEE PLATE 9 FOR  
CENTERLINE GEOMETRICS



CHIFFEWA CREEK  
TRIBE  
POCOT BOY ROUTE - BOX 344  
BOX ELEV. OF 9957  
PAID (400) 375-1497

BONNEAU DAM  
PLAN AND PROFILE  
OUTLET CONDUIT  
AL 10/10/12

200190270  
Sheet 5 of 5

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Chippewa Cree Tribe

**Permit No.:** 199590678

**Issuing Office:** US Army Corps of Engineers, Omaha District, Helena Regulatory Office

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** See Page 5.

**Project Location:** Box Elder Creek (Bonneau Dam); SW1/4 SE1/4 NW1/4 Section 1, Township 29 North, Range 14 East, Chouteau County, Montana.

### **Permit Conditions:**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on JUN 04 2000. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:** See Pages 6 & 7.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( X ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

John Frenchfield Jr.  
(PERMITTEE)  
Chippewa Cree Tribe

5-28-96  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert E. McNerney  
(DISTRICT ENGINEER)  
Robert E. McNerney  
Montana Program Manager

6-4-96  
(DATE)  
for: Michael S. Meuleners  
Colonel, Corps of Engineers  
District Engineer

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

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(*TRANSFEE*)

(*DATE*)

#### DETAILED DESCRIPTION OF AUTHORIZED WORK

The permittee is authorized to enlarge Bonneau Dam on Box Elder Creek by constructing an earthen dam on the downstream slope of the existing dam to elevation 3216.25 msl (36 feet above the existing dam). The enlarged dam will utilize the existing dam for much of the upstream slope. The proposed construction will include a new spillway on the left abutment. The spillway will be a 300 foot wide open cut channel (at elevation 3198.0 msl) with a concrete control section near the upstream end. The enlarged dam, spillway, embankments and abutments will be armored with roller compacted concrete (RCC). The activity will also consist of grouting in the right abutment, closing or blocking the existing outlet works and tower and construction of a new outlet works (e.g. free standing tower with foot bridge, 4 foot intake gate, 3 foot gated conduit and a Bureau of Reclamation type IV energy dissipater structure at the downstream end). The dam will have a notch (3209.5 msl) to allow passage of flows over the dam during the probable maximum flood (PMF). Construction will be completed in two phases. Phase I will be constructed from mid-August to mid-January in year 1 and Phase II would be constructed from mid-August to mid-January in year 2. Approximate total fill for the project will consist of 468,000 cubic yards of earth fill and 37,000 cubic yards of concrete.

LIST OF SPECIAL CONDITIONS

1. That as detailed on Page 8, the Best Management Practices be followed to the maximum extent practicable.
2. That the permittee will establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials.
3. That only clean rock material from a non-streambed source will be utilized for riprap in order to avoid the percolation of fines which would result in excessive local turbidity.
4. That close coordination will be maintained by the contractor with downstream water users, advising them of any water quality changes to be caused by the construction.
5. That owners of water supply intakes, or other activities that may be affected by suspended solids and turbidity increases caused by construction activity in the watercourse, shall be given sufficient notice to allow preparation for any changes in water quality.
6. That all dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.
7. That deposition of excavated materials on shore and all earthwork operations on shore will be carried out in such a way that sediment runoff and soil erosion to the water are controlled.
8. That when the District Engineer has been notified that the construction activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

9. The United States shall not be responsible for damage to property or injuries to persons which may arise from or be incident to the work herein authorized, and the permittee shall hold the United States harmless from any and all such claims, except to the extent that the damage or injury is caused solely by the negligence of the United States.
10. The permittee shall comply with the applicable general and special conditions imposed by the U.S. Environmental Protection Agency which have been attached to and made a part of this permit.
11. That the permittee will comply with the Memorandum of Agreement signed in August 1995 between the permittee, the U.S. Bureau of Indian Affairs, the Advisory Council on Historic Preservation and the Montana State Historic Preservation Office regarding historic properties.
12. That if cultural materials indicative of a historic or prehistoric site are unearthed during construction, all land-disturbing activity in the vicinity will be suspended and a Corps of Engineers archeologist notified. Work may resume only after the resources are evaluated by a qualified archeologist and all appropriate measures are taken to address potential effects on any resource found eligible for listing on the National Register of Historic Places.
13. That if at the end of a five year period after project completion, wetland impacts have occurred and no new wetlands have established through natural regeneration to replace lost wetland acreage, the permittee will submit a wetlands mitigation plan to the Corps of Engineers for review and approval. The permittee will initiate mitigation measures only after the mitigation plan has been reviewed and approved by the Corps of Engineers.



No. Chippewa Cree Tribe  
Applicant: 199590678

BEST MANAGEMENT PRACTICES

1. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.
2. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.
3. That measures will be employed to prevent or control spilled petroleum products, chemicals, or other deleterious materials from entering the water and the permittee will formulate a contingency plan to be effective in the event of a spill.
4. That steps will be taken to prevent materials spilled or stored on shore from washing into the water as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials which are accidentally spilled into the water will be retrieved.
5. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
6. That measures will be employed to prevent wet concrete from entering the waterway.
7. That concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.
8. That the use of machinery in the waterway will be kept to a minimum.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII, MONTANA OFFICE  
FEDERAL BUILDING, 301 S. PARK, DRAWER 10096  
HELENA, MONTANA 59626-0096

MAY 11 1996

Ref: 8MO

May 6, 1996

Larry Robson  
Corps of Engineers  
Helena Regulatory Office  
301 South Park, Drawer 10014  
Helena, Montana 59626-0014

RE: Application No. 199590678  
Chippewa Cree Tribe  
Bonneau Dam, Box Elder Creek

Dear Larry:

We have reviewed the request for certification pursuant to Section 401 of the Clean Water Act for activities associated with the enlargement of the Bonneau Dam on Box Elder Creek in Chouteau County, Montana. The proposed activity will consist of constructing an earthen dam immediately downstream of the existing earthen dam. The resulting project is expected to increase the storage capacity of the existing reservoir from 1,000 to 4,000 acre-feet. Approximately 21 acres of jurisdictional wetlands have been delineated above and below the existing dam. These wetlands may be adversely affected by fluctuations in water levels and amount before, during and after construction. Design predictions indicate that 31 acres of wetlands may develop as a result of increasing the capacity of the reservoir post construction.

It is hereby certified that the project, as described in the application, should not result in violation of applicable state water quality standards provided the applicant and their contractors comply with the following conditions:

- 1) A minimum of two water quality data collection stations must be established, one immediately above the reservoir in Box Elder Creek, and another immediately downstream of the existing dam. Data will be collected for the following physical parameters: water temperature, pH, dissolved oxygen, total suspended solids, and turbidity. These sites must be secure, accessible, adequately represent in-stream conditions, and located in such a manner as to assure long term reliable use. Data will be collected on a seasonal basis beginning in April and ending in October each year. Data will be collected each month during this period on a bimonthly schedule.

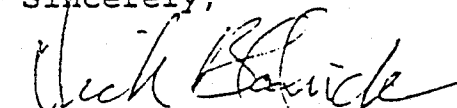
- 2) Baseline water quality data must be collected prior to initiating any construction activity. Once the stations are established data collection will occur through construction. After completion of the construction activity, collection of turbidity data can be discontinued, but data collection and monitoring for the remaining parameters will continue for a period of no less than five years. If after five years the data indicates no adverse affects on water quality associated with this project's activities, the EPA shall instruct the applicant to discontinue data collection for the remaining parameters.
- 3) All practicable measures shall be taken to minimize increases in suspended solids and turbidity.
- 4) In the event significant changes are made in this project prior to completion, notification of changes shall be made to, and approval received from, the EPA before continuation of the project.
- 5) A long-term management plan for flow releases must be established that contains assurance of instream flows for the protection of aquatic organisms in Box Elder Creek below the dam.

EPA believes most data can be collected with affordable equipment, primarily meters. Laboratory analyses for total suspended solids (TSS) may be locally available through the City of Havre, Waste Water Treatment Facility. Contact Kristi Kline, in Havre at 265-9031 for information.

This certification does not relieve the applicant of the responsibility to comply with applicable local, state, or other Federal regulations or statutes.

If you have any questions concerning the conditions of certification, please contact me at 441-1140 ext. 231.

Sincerely,



Dick Blodnick  
Montana Office

cc: file